



March 23, 2007

ENGROSSED HOUSE BILL No. 1379

DIGEST OF HB 1379 (Updated March 21, 2007 4:14 pm - DI 87)

Citations Affected: IC 36-2.

Synopsis: Bulk form copies. Phases in over five years an increase in the fee (from five to ten cents) that the county recorder can charge a bulk user for bulk form copies. Specifies that money in the records perpetuation fund may not be deposited in the county general fund and does not revert to the county general fund at the end of a fiscal year.

Effective: July 1, 2007.

Hoy, Friend

(SENATE SPONSORS — LAWSON C, DEIG)

January 16, 2007, read first time and referred to Committee on Local Government.
February 6, 2007, reported — Do Pass.
February 12, 2007, read second time, ordered engrossed.
February 13, 2007, engrossed.
February 15, 2007, read third time, passed. Yeas 52, nays 41.

SENATE ACTION

February 19, 2007, read first time and referred to Committee on Local Government and Elections.
March 22, 2007, amended, reported favorably — Do Pass.

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EH 1379—LS 6831/DI 87+



March 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1379

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.169-2006,
2 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 10. (a) The county recorder shall tax and collect
4 the fees prescribed by this section for recording, filing, copying, and
5 other services the recorder renders, and shall pay them into the county
6 treasury at the end of each calendar month. The fees prescribed and
7 collected under this section supersede all other recording fees required
8 by law to be charged for services rendered by the county recorder.

9 (b) The county recorder shall charge the following:

10 (1) Six dollars (\$6) for the first page and two dollars (\$2) for each
11 additional page of any document the recorder records if the pages
12 are not larger than eight and one-half (8 1/2) inches by fourteen
13 (14) inches.

14 (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for
15 each additional page of any document the recorder records, if the
16 pages are larger than eight and one-half (8 1/2) inches by fourteen
17 (14) inches.

EH 1379—LS 6831/DI 87+



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(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under **section 10.1 of this**

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chapter and subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. **Money from the fund may not be deposited into the county general fund and does not revert to the county general fund at the end of a fiscal year.**

SECTION 2. IC 36-2-7-10.1, AS AMENDED BY P.L.171-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10.1. (a) As used in this section, "bulk form" means:

- (1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;
- (2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or
- (3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

- (1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
- (2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

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(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

~~(1) Five cents (\$0.05) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.~~

~~(2) Five cents (\$0.05) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.~~

(1) For a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document:

(A) after June 30, 2007, and before July 1, 2009, seven cents (\$0.07) per page;

(B) after June 30, 2009, and before July 1, 2011, nine cents (\$0.09) per page; and

(C) after June 30, 2011, ten cents (\$0.10) per page.

(2) For a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document:

(A) after June 30, 2007, and before July 1, 2009, seven cents (\$0.07) per recorded document;

(B) after June 30, 2009, and before July 1, 2011, nine cents (\$0.09) per recorded document; and

(C) after June 30, 2011, ten cents (\$0.10) per recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent (\$0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the

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1 bulk form copies to the bulk user within a reasonable time after the
 2 recorder's archival process is completed and bulk form copies become
 3 available in the office of the county recorder.

4 (j) Bulk form copies under this section may be used:

- 5 (1) in the ordinary course of the business of the bulk user; and
- 6 (2) by customers of the bulk user.

7 The bulk user may charge its customers a fee for using the bulk form
 8 copies obtained by the bulk user. However, bulk form copies obtained
 9 by a bulk user under this section may not be resold.

10 (k) All revenue generated by the county recorder under this section
 11 shall be deposited in the recorder's record perpetuation fund and used
 12 by the recorder in accordance with section ~~10(c)~~ 10(d) of this chapter.

13 (l) This section does not apply to enhanced access under
 14 IC 5-14-3-3.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1379, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

SMITH V, Chair

Committee Vote: yeas 8, nays 2.

 SENATE MOTION

Madam President: I move that Senator Deig be removed as sponsor of Engrossed House Bill 1379 and that Senator Lawson C be substituted therefor.

DEIG

 SENATE MOTION

Madam President: I move that Senator Deig be added as cosponsor of Engrossed House Bill 1379.

LAWSON C

 COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred House Bill No. 1379, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-2-7-10, AS AMENDED BY P.L.169-2006, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county

EH 1379—LS 6831/DI 87+



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treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

- (1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.
- (4) One dollar (\$1) for each cross-reference of a recorded document.
- (5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (6) Five dollars (\$5) for acknowledging or certifying to a document.
- (7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).
- (8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.
- (9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.
- (10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.
- (11) Three dollars (\$3) for each mortgage on real estate recorded,

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in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under **section 10.1 of this chapter and** subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment. **Money from the fund may not be deposited into the county general fund and does not revert to the county general fund at the end of a fiscal year."**

Page 2, line 20, strike "(1)".

Page 2, line 20, delete "Ten".

Page 2, line 20, strike "cents".

Page 2, line 20, delete "(\$0.10)".

Page 2, line 20, strike "per page for a recorded".

Page 2, strike lines 21 through 22.

Page 2, line 23, strike "(2)".

Page 2, line 23, delete "Ten".

Page 2, line 23, strike "cents".

Page 2, line 23, delete "(\$0.10)".

Page 2, line 23, strike "per recorded document for a".

Page 2, strike lines 24 through 25.

Page 2, between lines 25 and 26, begin a new line block indented and insert:

"(1) For a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document:

(A) after June 30, 2007, and before July 1, 2009, seven cents (\$0.07) per page;

(B) after June 30, 2009, and before July 1, 2011, nine cents (\$0.09) per page; and

(C) after June 30, 2011, ten cents (\$0.10) per page.

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(2) For a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document:

(A) after June 30, 2007, and before July 1, 2009, seven cents (\$0.07) per recorded document;

(B) after June 30, 2009, and before July 1, 2011, nine cents (\$0.09) per recorded document; and

(C) after June 30, 2011, ten cents (\$0.10) per recorded document."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1379 as printed February 7, 2007.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 1.

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